

No. 23-16091

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

HOWARD JARVIS TAXPAYERS ASSOCIATION, et al.,

Plaintiffs-Appellants,

v.

CITY OF SAN JOSE, et al.,

Defendants-Appellees.

On Appeal from the United States District Court, Northern District of California
Consolidated Case Nos. 5:22-cv-00501-BLF and 5:22-cv-02365-BLF
(Hon. Beth Labson Freeman)

APPELLEES' MOTION FOR LEAVE TO FILE CORRECTED BRIEF

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Defendants-Appellees the City of San José, et al. (the “City”) respectfully move for leave to file a corrected Appellees’ Answering Brief to replace the brief submitted by the City on March 6, 2024. Dkt. No. 27. In the filed brief, volume numbers were inadvertently omitted from beginning of citations to the Excerpts of Record and Supplemental Excerpts of Record, both of which consist of multiple volumes. *See* Dkt. Nos. 19-1 to 19-4 (ER); Dkt. Nos. 28-2 to 28-3 (SER).

The City’s counsel is aware of Circuit Rule 30-1.6, requiring volume numbers to be included in each record citation. Cir. R. 30-1.6 (“Parties shall cite to the initial Excerpts of Record in the following format: [volume number]-ER-[page number(s)].”). Therefore, to prevent any inconvenience to the Court, the City requests leave to file a corrected brief containing volume numbers in each citation, and updating the pagination and/or table of contents to the extent it changes as a result of the added volume numbers. The corrected brief would be otherwise substantively identical to the already filed brief. Dkt. No. 27.

Respectfully submitted,

Dated: March 11, 2024

COTCHETT, PITRE & McCARTHY LLP

By: /s/Tamarah P. Prevost
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